

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHELLE FOX,

Plaintiff,

v.

NATIONAL HME, INC., *et al.*,

Defendants.

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: Case No. 2:18-cv-01378-ALM-KAJ

: CHIEF JUDGE ALGENON L. MARBLEY

: Magistrate Judge Jolson

OPINION AND ORDER

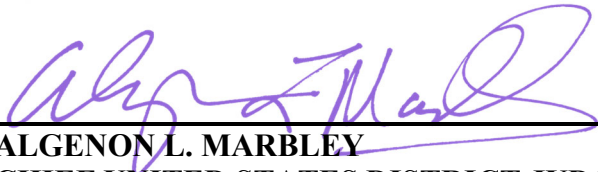
This matter is before the Court on Magistrate Judge Jolson's Report and Recommendation. (ECF No. 63). Magistrate Judge Jolson granted in part and denied in part the Defendants' Motion to Dismiss (ECF No. 49), recommending that the matter be dismissed under Rules 37 and 41 as a sanction for repeated failures to cooperate with discovery but declining to award fees and costs to the Defendants. (ECF No. 63).

The Report and Recommendation was filed on March 17, 2021 and advised parties that they had fourteen days to raise any objections to the Report and Recommendation. The Report and Recommendation also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the Report and Recommendation *de novo*.

This Court has reviewed the Report and Recommendation. No objections have been filed and the time period for filing such objections has expired. Accordingly, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 63) as this Court's findings of fact and

law. This Court **GRANTS IN PART** and **DENIES IN PART** the Defendants' Motion to Dismiss (ECF No. 49) and **DISMISSES** this case for want of prosecution.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: May 10, 2021